

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

Case No.: 3:10cv424-RLV

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	DEFAULT JUDGMENT
)	OF FORFEITURE <i>IN REM</i>
REAL PROPERTY LOCATED AT 5437)	
RUTH DRIVE, CHARLOTTE, NORTH)	
CAROLINA,)	
)	
Defendant.)	

THIS MATTER is before the Court on the government's motion under Fed. R. Civ. P.
55(b)(2) for a Default Judgment of Forfeiture *In Rem* against the Defendant Property.

THE COURT FINDS THAT:

1. A verified Complaint for Forfeiture In Rem of the Defendant Property was filed on September 1, 2010.
2. Process was fully issued in this action and returned according to law. Pursuant to 18 U.S.C. § 985(c)(1)(B), the government duly posted the Defendant Property. Service of process was made by certified mail on the holders of title and a second deed of trust and by internet publication of notice via www.forfeiture.gov on September 14, 2010 through October 13, 2010.
3. No person has filed a verified claim or an Answer within the time allowed by law, and the Clerk has entered Default as to the holders of the record title and a deed of trust on the defendant property.
4. Wells Fargo Bank, N.A., successor by merger to Wells Fargo Home Mortgage, Inc., formerly known as Norwest Mortgage, Inc., ("lender") is the holder of a first deed of trust on the defendant property, as shown on the Settlement Agreement (the "agreement") submitted with the government's motion. As reflected in the agreement, the government and lender have resolved all issues by consent and agree that lender shall be paid upon entry of a final judgment of forfeiture, in accordance with the terms and conditions of the stipulation.

5. Based on the verification of Charlotte-Mecklenburg Police Detective Jennifer LaFortune, the government has shown that the Defendant Property was used or intended to be used to commit or facilitate the commission of violations of Title II of the Controlled Substances Act, 21 U.S.C. § 801, and that it is therefore subject to forfeiture under 21 U.S.C. § 881.

BASED ON THE FORGOING FINDINGS, THE COURT CONCLUDES that the government is entitled to a Judgment of Forfeiture *In Rem* by Default against the Defendant Property.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The government's Motion for Default Judgment of Forfeiture *In Rem* is hereby granted.
2. Any and all right, title and interest of all persons in the world in or to the following property is hereby forfeited to the United States; and no other right, title or interest shall exist therein: real property located at 5437 Ruth Drive, Charlotte, North Carolina, as more particularly described in two deeds dated November 29, 1995, one recorded at Deed Book 8380, Page 331, and one recorded at Deed Book 8421, Page 489, in the Mecklenburg County, North Carolina, Public Registry
3. The United States is hereby directed to dispose of the forfeited Defendant Property as provided by law.

Signed: January 25, 2011



Richard L. Voorhees
United States District Judge

